Wisconsin Dairy Products Association, Inc.

July 28, 2004

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20852

Re: Docket No. 2003P-0574; *Listeria Monocytogenes*; Petition to Establish a Regulatory Limit; 69 Fed. Reg. 29564 (May 24, 2004)

Dear Sir or Madam:

Wisconsin Dairy Products Association appreciates this opportunity to offer comments concerning the December 24, 2003 Citizen Petition seeking a regulatory limit of 100 colony forming units per gram (cfu/g) for *Listeria monocytogenes* in ready-to-eat foods that do not support its growth. Wisconsin Dairy Products Assn. is a Wisconsin trade association that represents all segments of the dairy industry. Our cooperative and proprietary processor members process a full range of dairy products.

Wisconsin Dairy Products Assn. supports adoption of the proposed regulatory limit, and urges the Food and Drug Administration (FDA) to do so as soon as possible. Significantly, there is now agreement that the public health impact of *L. monocytogenes* is almost exclusively a function of foods that contain high numbers of the organism, well in excess of the proposed limit of 100 cfu/g, and that low levels of *L. monocytogenes* in foods that do not support its growth present a minimal risk of harm. Control measures that prevent high cell numbers of *L. monocytogenes* in food at the point of consumption will therefore be most effective in reducing the incidence of listeriosis. The proposed regulatory limit will facilitate adoption of targeted,science-based measures by permitting FDA and industry to focus resources and attention on cell numbers of public health significance. Accordingly, as a result of the risk assessment and other data and information described in the Petition, there is now a compelling scientific basis upon which FDA policies on *L. monocytogenes* may be reexamined.

The proposed regulatory limit would also offer several additional public health benefits that may facilitate a reduction in listeriosis. The proposed limit would, for example, provide a strong incentive for development of products that do not support growth of *L. monocytogenes*, encourage aggressive sampling programs, and facilitate collection of better quantitative data on *L. monocytogenes*. These positive consequences should be taken into account as FDA considers the Petition.

Sincerely,

Bradley A. Legreid
Executive Director

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